IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7657 of 1995

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

RUSHIRAJ M VYAS

Versus

GUJARAT STATE SECONDARY EDUCATION BOARD

Appearance:

MR MD RANA for Petitioner No. 1

MR VIJAY H PATEL for Respondent No. 1

MR AD OZA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 27/12/2004

ORAL JUDGEMENT

1. The petitioner has by way of this petition prayed that respondent be directed to declare him as having passed in XIIth standard examination.

2. Heard the learned advocates for the respective parties. As per the explanation tendered by the Officer today, due to long lapse of time, the original record is

not available. Though the conduct of the respondent Board is not proper, it will not be appropriate for this Court to give any opinion, almost after 9 years.The fact remains that the original record is not available with the respondent Board as well as before the Forensic Laboratory.

3. In view of the aforesaid situation, now nothing can be done in this matter. After a lapse of 9 years it would not be proper to grant the prayer made in this petition.

4. In the premises aforesaid, and in view of the overall stand as referred above, no fruitful purpose would be served by giving directions to the respondent Board. It is hoped that in future, the Officer of the Board shall take care before filing any affidavit-in-reply before this Court. However, it will be open for the petitioner to file appropriate proceedings for damages.

5. With the above observations, the petition stands disposed of. Rule is discharged with no order as to costs. Interim relief if any, stands vacated.

[K.S. JHAVERI, J.]

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